

# Applying for the 1200-C Construction Stormwater Permit



State of Oregon  
Department of  
Environmental  
Quality

## Water Quality Division

811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
Phone: (503) 229-5696  
(800) 452-4011  
Fax: (503) 229-5850  
Contact: Erich Brandstetter  
[www.deq.state.or.us](http://www.deq.state.or.us)

## Background

In November 2010, the Water Quality Administrator for DEQ signed the revised National Pollutant Discharge Elimination System Stormwater Construction General Permit No. 1200-C to be effective starting December 1, 2010. The permit regulates stormwater runoff to surface waters from construction activities that disturb one or more acres in Oregon.

## What you need to know

The Oregon Department of Environmental Quality (DEQ) has made significant changes to the permit. Construction sites disturbing less than five acres within specific local government agencies jurisdictions will be managed through local codes and automatically be covered under the NPDES 1200-CN Permit. Construction sites disturbing less than one acre and part of a larger common development plan or sale will need to be covered under either the NPDES 1200-C Permit or the NPDES 1200-CN. Examples of a large common development or sale include a subdivision or possibly a business park where the larger development started after November 30, 2010.

## Permit applications

### 1. Obtain the application and check to see where to send it.

You can obtain permit application forms on DEQ's Web site at:  
<http://www.deq.state.or.us/wq/stormwater/constappl.htm>

If you have questions about the application or do not have access to the Internet, please contact the regional DEQ stormwater representative, Agent or Local Government Agency, who can provide assistance on the preparation and submittal of the application.

### DEQ Agents:

City of Eugene, City of Hermiston, City of Troutdale, Clean Water Services (serving Washington County), Clackamas County Service District #1 and Rogue Valley Sewer Services.

**DEQ Regional Offices for Stormwater:**  
Eugene, Pendleton, Bend and Portland

### 1200-CN Local Government Agencies:

City of Albany, City of Corvallis, City of Eugene, City of Milwaukie, City of Springfield, City of West Linn, City of Wilsonville, City of Gresham, City of Troutdale, City of Wood Village, Multnomah County, Clackamas County Service District #1 and Surface Water Management Agency of Clackamas County, Clean Water Services and Rogue Valley Sewer Services.

### 2. What you submit with your application

You need to submit a completed application form, an approved Land Use Compatibility Statement with Findings, if applicable, two full sized Erosion and Sediment Control Plan (ESCP) hard copies and one electronic (PDF) ESCP. These forms and related guidance documents, including the application and ESCP guidance document are available on DEQ's Web site at: <http://www.deq.state.or.us/wq/stormwater/constappl.htm> or can be obtained at a DEQ regional office or through a DEQ Agent.

### 3. Permit fees

You must submit the appropriate permit fees to DEQ or its Agent at the time you apply for new permit coverage.

If you are applying for a new permit, the fee is \$1,586. Please check <http://www.deq.state.or.us/wq/wqpermit/stminfo.htm> for the appropriate fee. The permittee will also be billed an annual fee of \$804 for every year the permit coverage is in effect after the first year.

If you are submitting your application to a DEQ agent, please contact the Agent for information on the fees.

### 4. Processing your application

Once you submit the application materials, DEQ or its Agent will review the forms to make sure the application is complete as well as technically and administratively adequate. DEQ or its agent

will return any incomplete application with a list of missing information.

Please note: An incomplete application (incomplete forms, applications submitted without fees, etc.) will be returned to you and will slow the processing of your permit coverage.

### **5. Public review for construction sites disturbing five acres or more.**

- Projects that have the potential to disturb five acres or more of land will be subject to public review. Applications and Erosion and Sediment Control Plans for these projects will be subject to a 14-calendar day public review and comment period.
- For five-acres-or-more of disturbance projects, a notice will be posted on DEQ's Web site <http://www.deq.state.or.us/wq/stormwater/swppubnotice1200c.asp> for public notice. The public will have 14-calendar days to review the application materials and submit comments to DEQ about the application and ESCP. The application materials may also be reviewed at the regional DEQ office.
- After the public comment period, DEQ will review the comments and determine if the Erosion and Sediment Control Plan is adequate. DEQ may request you to change the plan based on public comment.
- After approving the Erosion and Sediment Control Plan, DEQ or its agent will assign the applicant coverage under the 1200-C permit, and will notify all commenters.

### **6. TMDL - or 303(d) - listed streams**

If there is a potential for discharge of stormwater to a portion of a waterbody that is listed for turbidity or sedimentation or that has an established Total Maximum Daily Load (TMDL) for sedimentation or turbidity (available at <http://www.deq.state.or.us/wq/tmdls/basinmap.htm>) from the construction site, then one or more of the BMPs listed below must be implemented. Identify the selected BMP(s) in the ESCP as one that address this condition of the permit, and provide the rationale for choosing the selected BMP(s). (Schedule A.11.) The 303(d) list can be found at:

<http://www.deq.state.or.us/wq/assessment/rpt0406/search.asp>.

- b. Erosion control mats;
- c. Tackifiers used in combination with perimeter sediment control BMPs;
- d. Established vegetated buffers sized at 50 feet (horizontally) plus 25 feet (horizontally) per 5 degrees of slope;
- e. Water treatment by electro-coagulation, flocculation, or filtration; and/or
- f. Other substantially equivalent sediment or turbidity BMP approved by DEQ or Agent.

For more assistance, please contact the DEQ Regional Stormwater representative in your area.

#### **DEQ regional (stormwater) offices:**

Bend: (541) 388-6146  
Eugene: (541) 686-7838  
Pendleton: (541) 276-4063  
Portland: (503) 229-5263

- a. Compost berms, compost blankets, or compost socks;